

REMARKS:

In the above-mentioned Office Action, all of the pending claims, claims 1-22, were rejected under Section 103(a) over *Pietrese*. Objection was also made to informalities noted on pages 10 and 11 of the specification. And, correction was required to drawing informalities noted on the Form PTO-948 appended to the Office Action.

Responsive to the rejection of the claims, independent claims 1 and 15 have been amended, as noted herein, and claim 22 has been canceled. Amendments noted herein to remaining ones of the dependent claims have been made responsive to amendment, or cancellation of their respective parent claims.

Independent claims 1 and 15, amended as noted herein, have been amended in manners believed to distinguish better the present invention over the cited reference of *Pietrese*. With respect to exemplary claim 1, as now recited, content that is downloaded comprises content that is executable at the radio mobile terminal. While the examiner relies on column 4 for showing services renderable at a charge, such services are stated to be "delivering foods or booking transport" and also financial services. Nowhere does the reference state that content executable by the terminal 8 is to be included amongst the services envisioned to be provided to the terminal 8 or that the terminal 8 is capable of executing content delivered thereto.

Also as recited in exemplary claim 1, a downloading controller is provided that permits a communication link to be effectuated with a provider mobile terminal thereby to download content to the recipient mobile terminal, and thereafter causing a communication link to be

effectuated with a payment account depository to permit debiting of a credit indicia for the benefit of the payee entity and, thereafter, to permit the content to be executed at the recipient mobile terminal. In contrast, column 5 of the reference states that a connection is formed between elements 8 and 2 (and 3). Then a link is formed between the elements 2 and 7. The apparatus recited in claim 1, as now amended, and disclosed in the specification, operates in a manner reverse to that described in the reference.

Method claim 15 recites a method that correspondingly differs with that shown in the reference. And, differences therewith can analogously be set forth.

Also, with respect to the recitations contained in claim 10, downloading of content to the recipient mobile terminal is recited to occur when the indicia of creditworthiness is indicated to be at least the selected threshold prior to debiting of the creditworthiness indicia for the benefit of the payee entity. The reference cited against the claims, conversely, requires payment before rendering of services.

For these reasons, the apparatus and method recited in claims 1 and 15 is believed to be distinguishable over the cited reference used against such claims. Because the remaining ones of the dependent claims include all of the limitations of their respective parent claims, these claims are believed also to be patentably distinguishable over the cited reference made of record for the same reasons as those given with respect to claims 1 and 15.

DOCKET NO.: NC27315
CLIENT/MATTER NO.: NOKI04-27315

PATENT

Substitute drawing figures believed to overcome the drawing objections made thereto are enclosed herewith. And, amendments made to the specification are believed to overcome the Examiner's objections thereto.

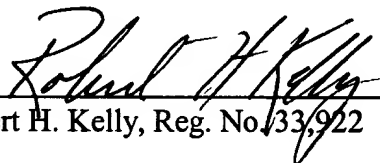
In light of the foregoing, independent claims 1 and 15, and the claims dependent thereon, are believed to be in condition for allowance. Accordingly, re-examination and reconsideration for allowance of these claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 3 May 02

Docket Clerk
P.O. Box 802432
Dallas, Texas 75380
(214) 922-9221
Fax: (214) 969-7557
e-mail: rkelly@davismunck.com


Robert H. Kelly, Reg. No. 33,922

CLAIMS WITH MARKINGS TO SHOW CHANGES MADE

1. (Amended) Apparatus for a recipient mobile terminal for facilitating copying of content executable at a provider mobile terminal, thereafter to be executable at the recipient mobile terminal by a recipient-terminal user, execution of the content at the recipient mobile terminal at least selectably incurring a fee payable to a payee entity, the payee entity associated with a remotely-positioned payment account depository at which an electronic payment account is maintained, the recipient mobile terminal being a peer device of the provider mobile terminal, and positionable in a manner to permit communication connectivity therewith, said apparatus comprising:

a recipient-terminal downloading connector selectably operable to effectuate a communication link with the provider mobile terminal when the recipient mobile terminal and the provider mobile terminal are positioned in the manner permitting the communication connectivity theretogether and selectably operable to effectuate a communication link with the remotely-positioned payment account depository;

a credit payment indicator for containing at least an indicia of creditworthiness of the recipient-terminal user; and

a downloading controller coupled to said payment indicator and to said downloading connector, said downloading controller for permitting said recipient-terminal downloading connector to effectuate the communication link with the provider terminal, thereby to download the content to the recipient mobile terminal if said payment indicator indicates the indicia of creditworthiness to be beyond at least a selected threshold, said downloading controller further, subsequent to downloading of the content to the recipient mobile terminal, for causing said recipient-terminal downloading connector to effectuate the communication link with the payment account depository to permit effectuation of debiting of the indicia of creditworthiness to the benefit of the payee entity and, upon debiting, to permit the execution of the content at the recipient mobile terminal.

2. (Amended) The apparatus of claim 1 wherein the provider mobile terminal comprises a provider-terminal downloading connector and wherein said recipient-terminal downloading terminal is engageable with the provider-terminal downloading connector.

14. (Amended) The apparatus of claim [13] 1 wherein the content further has payment account depository indicia associated therewith, the payment account depository indicia indicating the location to which said recipient-terminal downloading connector is to effectuate the communication link.

15. (Amended) A method for facilitating copying of a[n] content, executable at a provider mobile terminal, to a recipient mobile terminal, thereafter to be executable at the recipient mobile terminal by a recipient mobile terminal user, execution of the content at the

recipient mobile terminal at least selectably incurring a fee payable to a payee entity, the payee entity associated with a remotely-positioned payment account depository at which an electronic payment account is maintained, said method comprising:

positioning the provider mobile terminal and the recipient mobile terminal in a manner to permit a communication link to be formed therebetween;

forming [a] the communication link between the recipient mobile terminal and the provider mobile terminal;

determining whether an indicia of creditworthiness, located at the recipient mobile terminal is beyond at least a selected threshold; [and]

downloading the content to the recipient mobile terminal if the indicia of creditworthiness is determined, during said operation of determining, to be at least the selected threshold[.];

forming a communication link between the recipient mobile terminal and the payment account depository;

debiting the indicia of creditworthiness for the content downloaded to the recipient mobile terminal;

crediting the electronic payment account correspondingly; and
executing the content at the recipient mobile terminal.